



General Assembly

January Session, 2011

Raised Bill No. 1220

LCO No. 5018

05018_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING FAMILY VIOLENCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-38b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) Whenever a peace officer determines upon speedy information
4 that a family violence crime, except a family violence crime involving a
5 dating relationship, has been committed within such officer's
6 jurisdiction, such officer shall arrest the person or persons suspected of
7 its commission and charge such person or persons with the
8 appropriate crime. The decision to arrest and charge shall not (1) be
9 dependent on the specific consent of the victim, (2) consider the
10 relationship of the parties, or (3) be based solely on a request by the
11 victim. Whenever a peace officer determines that a family violence
12 crime has been committed, such officer may seize any firearm or
13 electronic defense weapon, as defined in section 53a-3, at the location
14 where the crime is alleged to have been committed that is in the
15 possession of any person arrested for the commission of such crime or
16 suspected of its commission or that is in plain view. Not later than

17 seven days after any such seizure, the law enforcement agency shall
18 return such firearm or electronic defense weapon in its original
19 condition to the rightful owner thereof unless such person is ineligible
20 to possess such firearm or electronic defense weapon or unless
21 otherwise ordered by the court.

22 (b) No peace officer investigating an incident of family violence
23 shall threaten, suggest or otherwise indicate the arrest of all parties for
24 the purpose of discouraging requests for law enforcement intervention
25 by any party. Where complaints are made by two or more opposing
26 parties, the officer shall evaluate each complaint separately to
27 determine whether such officer should make an arrest or seek a
28 warrant for an arrest. Notwithstanding the provisions of subsection (a)
29 of this section, when a peace officer reasonably believes that a party in
30 an incident of family violence has used force as a means of self
31 defense, such officer is not required to arrest such party under this
32 section.

33 (c) No peace officer shall be held liable in any civil action regarding
34 personal injury or injury to property brought by any party to a family
35 violence incident for an arrest based on probable cause or for any
36 conditions of release imposed pursuant to subsection (b) of section 54-
37 63c.

38 (d) It shall be the responsibility of the peace officer at the scene of a
39 family violence incident to provide immediate assistance to the victim.
40 Such assistance shall include, but not be limited to: (1) Assisting the
41 victim to obtain medical treatment if such treatment is required; (2)
42 notifying the victim of the right to file an affidavit for a warrant for
43 arrest; (3) informing the victim of services available and referring the
44 victim to the Office of Victim Services; [and] (4) providing assistance in
45 accordance with the uniform protocols for treating victims of family
46 violence whose immigration status is questionable established
47 pursuant to subsection (g) of this section; and (5) providing assistance
48 in accordance with the uniform protocols for investigating incidents of

49 family violence established pursuant to subsection (h) of this section.
50 In cases where the officer has determined that no cause exists for an
51 arrest, assistance shall include: (A) Assistance as provided in
52 subdivisions (1) to [(4)] (5), inclusive, of this subsection; and (B)
53 remaining at the scene for a reasonable time until, in the reasonable
54 judgment of the officer, the likelihood of further imminent violence has
55 been eliminated.

56 (e) (1) Each law enforcement agency shall develop, in conjunction
57 with the Division of Criminal Justice, and implement specific
58 operational guidelines for arrest policies in family violence incidents.
59 Such guidelines shall include, but not be limited to: (A) Procedures for
60 the conduct of a criminal investigation; (B) procedures for arrest and
61 for victim assistance by peace officers; (C) education as to what
62 constitutes speedy information in a family violence incident; (D)
63 procedures with respect to the provision of services to victims; and (E)
64 such other criteria or guidelines as may be applicable to carry out the
65 purposes of sections 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive, and
66 54-1g. Such procedures shall be duly promulgated by such law
67 enforcement agency and shall be consistent with the uniform protocols
68 for investigating incidents of family violence established pursuant to
69 subsection (h) of this section.

70 (2) On and after July 1, 2010, each law enforcement agency shall
71 designate at least one officer with supervisory duties to expeditiously
72 process, upon request of a victim of family violence or other crime who
73 is applying for U Nonimmigrant Status (A) a certification of
74 helpfulness on Form I-918, Supplement B, or any subsequent
75 corresponding form designated by the United States Department of
76 Homeland Security, confirming that the victim of family violence or
77 other crime has been helpful, is being helpful, or is likely to be helpful
78 in the investigation or prosecution of the criminal activity, and (B) any
79 subsequent certification required by the victim.

80 (f) The Police Officer Standards and Training Council, in

81 conjunction with the Division of Criminal Justice, shall establish an
82 education and training program for law enforcement officers,
83 supervisors and state's attorneys on the handling of family violence
84 incidents. Training under such program shall: (1) Stress the
85 enforcement of criminal law in family violence cases and the use of
86 community resources, and include training for peace officers at both
87 recruit and in-service levels; and (2) include, but not be limited to: (A)
88 The nature, extent and causes of family violence; (B) legal rights of and
89 remedies available to victims of family violence and persons accused
90 of family violence; (C) services and facilities available to victims and
91 batterers; (D) legal duties imposed on police officers to make arrests
92 and to offer protection and assistance, including applicable probable
93 cause standards; and (E) techniques for handling incidents of family
94 violence that minimize the likelihood of injury to the officer and
95 promote the safety of the victim. On and after July 1, 2010, training
96 under such program shall also include, within available
97 appropriations, information on (i) the impact of arrests of multiple
98 parties in a family violence case on the immigration status of the
99 parties; (ii) crime scene investigation and evaluation practices in family
100 violence cases designed by the council to reduce the number of
101 multiple arrests in family violence cases; and (iii) practical
102 considerations in the application of state statutes related to family
103 violence. On and after July 1, 2010, such training shall also address,
104 within available appropriations, eligibility for federal T Visas for
105 victims of human trafficking and federal U Visas for unauthorized
106 immigrants who are victims of family violence and other crimes.

107 (g) Not later than July 1, 2010, the Police Officer Standards and
108 Training Council shall establish uniform protocols for treating victims
109 of family violence whose immigration status is questionable, and shall
110 make such protocols available to law enforcement agencies. Each law
111 enforcement agency shall adopt and use such protocols on and after
112 the date they are established by the council.

113 (h) Not later than January 1, 2012, the Police Officer Standards and

114 Training Council shall establish uniform protocols for investigating
115 incidents of family violence, and shall make such protocols available to
116 law enforcement agencies. Each law enforcement agency shall adopt
117 and use such protocols on and after the date they are established by
118 the council.

119 Sec. 2. Section 51-279c of the general statutes is repealed and the
120 following is substituted in lieu thereof (*Effective October 1, 2011*):

121 (a) The Chief State's Attorney shall establish a formal training
122 program for all newly-appointed prosecuting attorneys consisting of
123 not less than five days and an ongoing training program for all
124 prosecuting attorneys consisting of not less than two days each year.
125 Such training programs shall commence January 1, 1998.

126 (b) In addition to the training provided under subsection (a) of this
127 section, the Chief State's Attorney shall establish a formal training
128 program concerning family violence issues and shall conduct training
129 on a quarterly basis for all prosecuting attorneys assigned to handle
130 family violence cases.

131 Sec. 3. (NEW) (*Effective October 1, 2011*) Not later than January 15,
132 2012, and quarterly thereafter, the Chief Court Administrator shall
133 conduct training on family violence issues for judges assigned to hear
134 family violence cases in the Superior Court.

135 Sec. 4. (NEW) (*Effective October 1, 2011*) The Chief Court
136 Administrator, or a designee, on or before the last day of January,
137 April, July and October in each year, shall certify the amount of
138 revenue received as a result of any criminal penalty assessed in a
139 family violence crime, as defined in section 46b-38 of the general
140 statutes, or any penalty assessed for the violation of a restraining
141 order, protective order or standing criminal protective order, and
142 transfer such amount to the pretrial family violence education
143 program established under section 46b-38c of the general statutes, or
144 any other program provided by the Judicial Department for the benefit

145 of victims of family violence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	46b-38b
Sec. 2	<i>October 1, 2011</i>	51-279c
Sec. 3	<i>October 1, 2011</i>	New section
Sec. 4	<i>October 1, 2011</i>	New section

Statement of Purpose:

To provide relief to victims of family violence by (1) establishing a uniform protocol for investigating family violence cases, (2) providing training to judges and prosecutors in family violence cases, and (3) allocating criminal fines in family violence cases to programs that benefit victims of family violence.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]